

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules To)	CC Docket No. 94-102
Ensure Compatibility with Enhanced)	
911 Emergency Calling Systems)	

**ALPINE PCS, INC. AND RFB CELLULAR, INC.
AMENDMENT OF PHASE II IMPLEMENTATION REPORT
AND REQUEST FOR LIMITED WAIVER**

Alpine PCS, Inc. ("Alpine") and RFB Cellular, Inc. ("RFB") hereby amend their implementation report for Phase II of the Commission's enhanced 911 ("E911") requirements to adopt a handset-based approach for compliance and, in addition, request a limited waiver of the deployment schedule set forth in 47 C.F.R. § 20.18(g).

Alpine is a small non-wireline PCS carrier that holds PCS licenses in Santa Barbara (BTA 406), San Luis Obispo (BTA 405), Fresno (BTA 157), Bakersfield (BTA 028) and Salinas-Monterey (BTA 397). In addition to the PCS markets in California, Alpine has seven PCS markets located in the upper and lower peninsulas of Northern Michigan. These seven markets include: BTA 11/Alpena; BTA 132/Escanaba; BTA 345/Petoskey; BTA 390/Saginaw-Bay City; BTA 409/Sault Ste. Marie; BTA 446/Traverse City, and BTA 307C1/Mt. Pleasant. Alpine also holds the PCS license for Hyannis Massachusetts (BTA 201) which has not been built out as of this date.

RFB is a small non-wireline cellular carrier serving two rural cellular markets in northern Michigan (Michigan 2 ["MI-2"] and Michigan 4 ["MI-4"] Rural Service Areas). MI-2 encompasses six counties located in Michigan's Upper Peninsula: Alger,

Delta, Schoolcraft, Luce, Mackinac, and Chippewa. MI-4 encompasses eight counties located in northeast Michigan: Alpena, Alcona, Oscoda, Crawford, Ostego, Montmorency, Presque Isle and Cheboygan.

It is important to note that both Alpine and RFB serve primarily rural markets and that neither Alpine nor RFB has received an E911 Phase II request in any of its markets. It is also important to note that RFB was the first wireless carrier in Michigan to implement E911 Phase I capability and is currently completing Phase I implementation throughout its Michigan markets.

After careful consideration of both the network and handset-based approaches, Alpine and RFB have concluded that in rural markets, a handset-based approach will provide significantly greater accuracy than a network-based approach. In light of delays in the availability of switch upgrades and ALI-capable handsets, however, Alpine and RFB will not be able to upgrade their equipment and make handsets available in time to meet the deadlines in Section 20.18(g). A waiver of those deadlines to allow Alpine and RFB to deploy Phase II capability in accordance with the alternate schedules proposed herein would serve the public interest and would be consistent with the underlying purpose of Section 20.18.

WAIVER STANDARD

The Commission may grant a waiver if the requesting party demonstrates that the underlying purpose of the rule would not be served by application in the case at hand and that a grant of the waiver would be in the public interest.¹ The Commission also may

¹ See 47 C.F.R. § 1.925.

waive its rules “if good cause therefore is shown.”² In the context of its E911 requirements, the Commission has recognized that “technology-related issues” or “exceptional circumstances” may mean that carriers are unable to meet the deadlines in its rules and may need to seek waivers of those deadlines.³

AMENDMENT OF E911 IMPLEMENTATION REPORT TO ADOPT HANDSET-BASED APPROACH

As described above, Alpine and RFB are smaller carriers and serve primarily rural markets in California and Michigan. The Alpine markets in California use 1900MHz CDMA infrastructure equipment from Lucent. The Alpine markets in Michigan utilize Motorola 1900MHz CDMA infrastructure and share RFB’s Motorola switch located in Gaylord Michigan. RFB utilizes both analog and CDMA 800MHz infrastructure from Motorola.

Alpine and RFB initially selected a network-based approach to Phase II compliance and informed the Commission of this in the Phase II Implementation Plan they filed jointly on November 9, 2000. Since that time, however, it has become apparent that network-based technology is less accurate than handset-based technology, particularly in rural areas. For example, Verizon Wireless in its recent E911 report and waiver request noted that it tested network-based solutions from both True Position and Grayson Wireless in 2000 and found that “the technology’s ability to locate mobiles in rural areas fell short of the accuracy requirements, for both vendors.” *See Verizon Wireless, Updated Phase II E911 Report and Request for Limited Waiver* (CC Docket 94-102, July 25, 2001) at p. 33). Verizon also concluded that network-based hardware

² *See* 47 C.F.R. § 1.3.

does not offer the possibility of earlier deployment than handset-based solutions, particularly where Motorola switches are utilized. *See id.* at 34. Because of the importance of location accuracy and timely availability, Alpine and RFB hereby amend their implementation plan to adopt a handset-based approach to E911 compliance.

AVAILABILITY OF PHASE II CDMA NETWORK AND HANDSET EQUIPMENT

Alpine and RFB have had significant problems in obtaining definitive capability, availability, and pricing information from its infrastructure and handset vendors. Based on the record such problems are not unusual for small carriers who do not have the purchasing clout of the large carriers. As a result Alpine and RFB are dependent on the record put forth to the Commission by the large CDMA carriers who have been able to extract information from the vendors. The recent waiver requests filed by the larger carriers make clear that handset-based switch upgrades and ALI-capable handsets will not be available in time to meet the deployment deadlines in the Commission's rules. Moreover, smaller carriers such as Alpine and RFB face a much greater delay (i.e., 9 months to a year) than larger carriers because the manufacturers of handsets and switch upgrades afford priority to their larger customers.

The filings by the larger CDMA carriers indicate that Mobile Switching Center software upgrades will not be available to Alpine and RFB until 2002 and 2003. As indicated previously, Alpine uses Lucent technology in its California network, while RFB and Alpine use Motorola technology in their Michigan cellular and PCS network. In its recent E911 waiver request, Qwest Wireless, LLC estimates that software upgrades for

³ See Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, *Fourth Memorandum Opinion and Order*, 15 FCC Rcd 174460 (2000) at ¶ 42-45.

Lucent switches and base stations will not be available until the forth quarter of 2001. *See* Qwest Wireless, LLC and TW Wireless, LLC Petition for Extension of Time or Waiver of Section 20.18 of the Rules (CC Docket 94-102, July 23, 2001) (“Qwest Petition”), at 16, and Qwest’s September 17, 2002 filing regarding Lucent’s schedule slip. Similarly, Verizon Wireless estimates that upgrades of Motorola software will not be available until November of 2002. *See* Verizon Wireless, Updated Phase II E911 Report and Request for Limited Waiver (CC Docket 94-102, July 25, 2001), at 15, 24. Even after these software upgrades are available, carriers will have to install them, test them with location capable handsets and otherwise integrate them into their networks before they are fully operational. The larger carriers also expect substantial delays in obtaining location-capable handsets. *See, e.g.,* Qwest Petition at 18.

Smaller carriers face substantial additional delays because switch and handset vendors assign priority to their larger customers and make equipment available to smaller carriers only after they have filled the orders of the large carriers. In addition, Alpine and RFB, like many small carriers, typically buy handsets through distributors since most of the phone manufacturers will not sell direct. In its waiver request, Inland Cellular Telephone Company, which is a small rural CMRS carrier, notes that vendors did not respond to its inquiries concerning the availability of Phase II network and handset equipment. *See* Inland Cellular Telephone Co. Petition for Limited Waiver of Sections 20.18(e) and (g) of the Rules (CC Docket 94-102, July 30, 2001), at 4, 5, 7. Inland estimates that it will take an additional nine months -- *after* the announced general availability date -- for software upgrades and handsets to “trickle down” to the smaller carriers. *Id.* The experience of Alpine and RFB so far has been consistent with that of

Inland. After receiving verbal responses from several handset distributors that they had “no clue” as to the availability of location capable handsets, Alpine and RFB sent letters to manufacturers and distributors requesting availability dates for Phase II location capable handsets. As of this date no responses have been received. (A copy of one of these letters is attached hereto.) Based on the General Availability dates provided by Verizon, small carriers are unlikely to be able to buy location capable handsets until 2003. *See Verizon Wireless, Updated Phase II E911 Report and Request for Limited Waiver* (CC Docket 94-102, July 25, 2001), at 13.

COMPLIANCE SCHEDULE

As a result of the delays described herein, Alpine and RFB request a limited waiver of the deployment schedule set forth in Section 20.18(g). Specifically, Alpine and RFB propose to begin selling and activating location-capable handsets twelve months following the general availability date provided by the vendors. According to Qwest, Kyocera and Samsung have announced that they will make “some” location-capable handsets available during the 4th quarter of 2001. *See Qwest Petition* at 18. Taking into account the inevitable delay in making these handsets available to smaller carriers, for its California markets Alpine proposes to begin selling and activating handsets in the first quarter of 2003. Alpine also requests that the Commission extend the 25% benchmark for the California markets to the fourth quarter of 2003, the 50% benchmark to the third quarter of 2004, and the 100% benchmark to the third quarter of 2005. For their Michigan markets, Alpine and RFB (which use Motorola switching technology rather than Lucent and therefore face additional delays) propose to begin selling and activating handsets in the third quarter of 2003. Alpine and RFB also request that the Commission

extend the 25% benchmark for Michigan to the second quarter of 2004, the 50% benchmark to the first quarter of 2005, and the 100% benchmark to the fourth quarter of 2005.

CONCLUSION

Alpine and RFB are committed to providing accurate location-capable service in as timely a manner as possible. Because of unavoidable delays in the availability of required software upgrades and handset equipment, Alpine and RFB request a limited waiver of the deployment schedule set forth in Section 20.18(g) and propose to meet the alternate deployment schedules stated above. For the reasons stated herein, Alpine and RFB submit that this limited waiver will be consistent with the underlying purpose of the Commission's E911 rule and will advance the public interest.

Respectfully submitted,

Arthur L. Prest
Chief Technical Officer and Vice President

**For: ALPINE PCS, INC. and
RFB CELLULAR, INC.**

Dated: November 29, 2001

November 9, 2001

Patrick Balch
Cellstar, Inc.
2080 McDaniel Dr.
Carrollton, TX 75006

Re: RFI – E-911 Phase II Handsets

Dear Patrick,

RFB Cellular, Inc. and Alpine PCS, Inc. have selected a handset based solution for the FCC's E-911 Phase II location requirements. This Request For Information is to determine when your organization will be able to provide handsets to RFB Cellular, Inc. and Alpine PCS, Inc. that meet these requirements.

Please return the attached form to me ASAP at the address noted below. Should you have any questions regarding this request, please do not hesitate to contact me by phone or by e-mail.

Thank you for your assistance in this matter.

Sincerely,

Randy Blair, Regional Vice President
Alpine PCS, Inc.
2136 West M-32
Gaylord, MI 49735

randy@rfb.com
989-732-0032 – Office
989-732-8846 – FAX
989-657-2322 - Mobile

E-911 PHASE II COMPATIBLE HANDSETS

The FCC has put in place certain technical requirements regarding E-911 Phase II wireless user location. Alpine PCS, Inc. and RFB Cellular, Inc. have selected a handset-based solution to these requirements. Compliance with the FCC's requirements regarding the handset-based solution is dependant upon availability of such handsets from mobile handset manufacturers. The following are the manufacturer's

represented by our organization and the availability or anticipated availability of E-911 Phase II compliant handsets to Alpine PCS, Inc. and RFB Cellular, Inc.

Manufacturer	Handset Currently Compliant	Anticipated Date of Availability of Compliant Handsets
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No	_____

Company Name

Signature

Date

Return by 11/23/01 to: Randy Blair, Regional Vice President
Alpine PCS, Inc.
2136 West M-32
Gaylord, MI 49735

or by FAX to: 989-732-8846